IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL CONTEMPT PETITION NO.612/03

Agarwal Shiksha Samiti **Versus** R.K. Nair & Ors.

DATE OF ORDER :: 18/05/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. N.K. Maloo, for petitioner
Mr. R.S. Rathore, AAG, for respondents

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Instant second contempt petition has been filed by petitioner arising from the order of this court dated 7th May, 1993.

Arrears were not paid by respondents as directed by this court vide order dated 7th May, 1993. At that stage, petitioner filed contempt petition before this court and during pendency, payment of arrears was made and this court dismissed the contempt petition on 27th May, 1998. According to petitioner, at a later point of time, respondents have again failed to comply the order of this court dated 7th May, 1993. Hence, he preferred the present contempt petition.

Respondents have filed reply to the contempt petition wherein it has been averred that directions of this court have been fully complied with in its true spirit and so far as the remaining 20% of grant-in-aid for the years 1996-97, 1997-98 & 1998-99 is concerned, it was never became due and payable to petitioner since this 20% liability has not been passed on to the State Government in terms of circular of Government of

India dated 17th June, 1987, particularly, when such condition has not been included in New 5th Revised Pay Scales which came into effect from 1.1.1996 and reference of circulars has also been made. Obviously, for subsequent years, of which reference has been made by respondents in Para 4 of their reply to contempt petition, there was no occasion for this court to consider the same while passing order of which contempt petition has been filed.

Counsel for petitioner submits that even on the basis of circular, of which reference has been made by respondents in Para 4 of their reply, this court has examined the same and in the light of judgment, of which contempt petition has been filed, relief has been granted to the respective petitioners.

On the facts which have come on record, this court is of the opinion that the respondents have not committed any contempt and there is no deliberate disobedience of the orders of this court.

Consequently, the present contempt petition fails and is hereby dismissed. Notices also stand discharged. However, petitioner will be free to avail remedy available to him under law in regard to subsequent development which has taken place thereafter.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.